THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18703 OF 2005

Dated: 24-01-2006

Between

Mohd. Imran Khan, S/o. Mohd. Omar

Khan, Occ: Student, R/o.22-6-1015,

Irani Galli, Near Mandi Miralam,

Hyderabad.

...PETITIONETR

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in calling him to the police station frequently and detaining him for days together as illegal and arbitrary.

Learned counsel for the petitioner submits that in the month of December 2003 when communal disturbance broke in the police station limits of Moghalpura, the respondents apprehended and lifted the petitioner from his house on 07.12.2003 and registered a case in

Cr.No.189 of 2003 under Sections 149, 324, 153-A and 307 Indian Penal Code (IPC) and remanded to judicial custody on 08.12.2003.

Counter has been filed denying the allegation that the petitioner was arrested on 07.12.2003 and remanded to judicial custody on 08.12.2003. In fact, the Inspector, Task Force, South Zone apprehended the petitioner on 14.12.2003 and after completing the investigation he was remanded to judicial custody on 15.12.2003.

As against the criminal nature of the petitioner it is stated that the petitioner was involved not only in Cr.No.189 of 2003 but also involved in Cr.Nos.191 to 199, 207, 210, and 212 of 2003 under Section 147, 148, 27, 307, 324, 332, 153-A r/w 149 IPC and Section 7(1)(a) Criminal Law Amendment act of P.S Moghalpura. The other allegation that the petitioner was illegally taken away from his house by the respondents and detained him for days together is also denied.

In view of the aforesaid facts and circumstances of the case,

I am of the opinion that the respondents have not interfered with the personal life and liberty of the petitioner without following due process of law.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

January 24, 2006

DSK